

*Rosemarie S. Baccile, Acting Executive Director
October 28, 2015*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

**State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)
Contractors**

Meeting# 31 - Public Meeting Agenda

NOVEMBER 10, 2015 9:00 A.M. SUSSEX ROOM

124 Halsey Street, Newark, NJ 07101

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- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. ON-LINE LICENSING APPLICATIONS UPDATE** As of October 28, 2015

Licensed Master HVACR Contractors by Grandfathering: 19HC00 6876 00

Application Review: 12,389

Completed: 9,153

Deficiency Cue: 3,203

Licensed Master HVACR Contractors BY EXAM: 163

Applications Pending: 163

Applications on file for Master HVACR Contractors will be reviewed by the Board Members in Executive Closed Session.

- 4. APPROVAL OF THE OCTOBER 6, 2015 MINUTES**
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- 5. DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS
Credit Toward Licensure for Education, Training, and Experience Received While Serving as a Member of the Armed Forces
Adopted New Rule: N.J.A.C. 13:32A-2.7 CITE 47 N.J.R. 2385 (a)
Proposed: November 17, 2014 at 46 N.J.R. 2261(a)
Adopted: March 3, 2015
Filed: August 21, 2015, as R.2015 d.155, without change
Effective Date: September 21, 2015
Expiration Date: April 15, 2020
The official comment period ended January 16, 2015. The Board received no comments on the notice of proposal.**
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- 6. INQUIRY – LETTERS MAY 29, 2015 & OCTOBER 6, 2015 AND EMAIL AUGUST 27, 2015 – LOU ABRUZZESE, CAMDEN COUNTY CHAPTER OF RSES-THE HVACR TRAINING AUTHORITY**
Requests a written basis for the HVACR test questions including the JTA (Job Task Analysis) used to formulate the test question areas.

Offers assistance with SME (Subject Matter Experts) if Board would like to review or update current JTA or competency list.

- Did the Legislature intend the HVAC Contractor to deliver and be responsible for a Complete Mechanical System?
- Does the HVAC Contractors Authority and Responsibility for Electrical work stop at the disconnect on outdoor unit and switch for indoor unit?
- Can plumbers install warm air heat under a Plumbing permit?
- Do Plumbers need a separate Electrical permit for their power and line voltage controls for Hydronic systems?
- With the new HEAT PUMP Domestic Hot Water Heaters replacing the less efficient Direct Resistance DHW, Does a plumber need to get an HVAC permit as well for this Heat Pump?
- Can HVAC contractors install Heat Pump DHW under an HVAC Permit?
- Is it the Boards intention to demand a separate Plumbing Permit to connect this unit's 2 pipes, in order for them to deliver a complete job to the customer?

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- 7. LETTER OCTOBER 2, 2015 – DANIEL R. O'BRIEN, T/A ACADEMY ELECTRICAL CONTRACTORS, ELECTRICAL LICENSE# 6441**

Mr. O'Brien requests clarification on why he needs an HVACR license to run gas piping for the generators he is installing as a licensed electrical contractor.

8. LETTER OCTOBER 6, 2015 – DAVID INDURSKY, LICENSED MASTER HVACR CONTRACTOR# 3550, ECON MECHANICAL CORP. –“WAIVER REQUEST”/BONAFIDE REPRESENTATIVE REGULATIONS

Mr. Indursky has supplied copies his New Jersey business registration certificate for both Encon Service Company and Econ Mechanical Corporation and a copy of his HVACR license in compliance with the Board’s October 6, 2015 decision to allow him to be the BFR for both Encon Service Company and Encon Mechanical Corp.

9. LETTER OCTOBER 17, 2015 – JO-LEO W. CARNEY-WATERTON, ESQ. – N.J.S.A. 45:16A-26

The legal argument now being raised by some is that all HVACR technicians were prohibited from working on any projects after March 1, 2014, until they received their new HVACR licenses from the Board.

- Requests the Boards’ thoughts on the matter
 - Requests the Board prepare a letter
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ADMINISTRATIVE ACTION

10. CONSENT ORDER – Filed September 1, 2015 by Rosemarie S. Baccile, Acting Executive Director OSIRIS RAFAEL TEJEDA, APPLICANT# 184 3827
APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) Contractors (“Board”) upon receipt of an application for licensure as a HVACR contractor from Osiris Rafael Tejada (“applicant”). The applicant indicated on his application he arrested and charged with Burglary (N.J.S.A. 2C:18-2); two counts of Aggravated Arson (N.J.S.A. 2C:17-1(a)); Arson (N.J.S.A. 2C:17-1(b)); Conspiracy to Commit Aggravated Arson (N.J.S.A. 2C:5-2; 2C:17-1(a)) Conspiracy to Commit Theft By Deception (N.J.S.A. 2C:5-2; 2C:20-4); Risk of Injury/Damage (N.J.S.A. 2C:17-2A); and Aggravated Assault.

On January 9, 2006, the applicant pled guilty in Bergen County Superior Court to two (2) counts of Aggravated Arson (N.J.S.A. 2C:17-1(a)) and one (1) count of Aggravated Assault (N.J.S.A. 2C:12-1(b)(8)). The remaining charges were dismissed. Mr. Tejada was sentenced to five (5) years in prison, a three (3) year period of parole supervision, and aggregate restitution payments of \$80,076.28.

On March 3, 2015, the applicant appeared before the Board for an Investigative Inquiry.

- Prior to the issuance of a license, the applicant shall submit too, and cooperate fully with a psychological evaluation by a licensed mental health professional, at his own expense.
- The Board reserves the right to enter a subsequent order.

CONSENT ORDER – OSIRIS RAFAEL TEJEDA continued

- Prior to the issuance of a license, the applicant shall provide documentary proof to the Board indicating that he successfully completed and has been discharged from his parole requirements.
- The applicant shall obey all the laws of the State of New Jersey.
- The applicant hereby consents to the entry of an order of automatic suspension of his license as a HVACR contractor, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that the applicant has violated this order.
- The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days' notice, but such event shall be limited to showing that he has not violated this order.

11. CONSENT ORDER – Filed September 24, 2015 by Rosemarie S. Baccile, Acting Executive Director**PETER O'REILLY, APPLICANT# 187 2273**

APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) Contractors ("Board") upon receipt of an application for licensure as a HVACR contractor from Peter O'Reilly ("applicant"). The applicant indicated on his application he had been convicted of criminal offenses. Mr. O'Reilly provided information and documentation concerning his criminal history.

Mr. O'Reilly appeared at an investigative inquiry into the matter held by the Board and provided testimony relating to his arrests.

Having considered all of the available information, including the testimony of the applicant during the investigative inquiry, the Board has determined that the applicant may be licensed subject to the conditions outlined in this order.

The applicant shall be granted a HVACR license subject to the conditions and restrictions in this order.

The applicant hereby consents to the entry of an order of automatic suspension of his license as a HVACR contractor, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that the applicant has violated this order or has engaged in acts constituting, or has been convicted of, any offense or crime whether in the State of New Jersey or elsewhere.

The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) day notice.

12. CONSENT ORDER – Filed October 6, 2015 by Rosemarie S. Baccile, Acting Executive Director STEVEN BESANCENEY, APPLICANT# 186 3299
APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) Contractors (“Board”) upon receipt of an application for licensure as a HVACR contractor from Steven Besancene (“applicant”). The applicant indicated on his application he had been convicted of an offense and provided information and documentation

Specifically, the applicant was arrested and originally charged with N.J.S.A. 2C:33-2.1b (Prowling in a Public Place with the Purpose of Obtaining or Selling Controlled Substances). On March 26, 2010, the applicant pled guilty in the Municipal Court of Woodbridge, New Jersey to a downgraded charge of a municipal ordinance violation (prohibited acts) and paid associated fines.

Having considered all of the available information, the Board has determined that the applicant may be licensed subject to the conditions outlined in this order.

- The applicant shall be granted a HVACR license subject to the conditions and restrictions in this order.
- The applicant shall abstain from any and all mood altering or intoxicating substances.
- The applicant shall continue in treatment with Narcotics Anonymous.
- The applicant may seek modification of the terms of this order not sooner than October 1, 2016.
- The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days’ notice, but such event shall be limited to showing that the evidence of a relapse or recurrence of drug or alcohol abuse or that other information submitted was false.

13. CONSENT ORDER – Filed October 6, 2015 by Rosemarie S. Baccile, Acting Executive Director HERBERT SPICER, APPLICANT# 181 6025
APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) Contractors (“Board”) upon receipt of an application for licensure as a HVACR contractor from Herbert Spicer (“applicant”). The applicant indicated on his application he had been convicted of a criminal offense. Mr. Spicer provided information and documentation concerning his criminal history.

On April 9, 2001, the applicant pled guilty in Ocean County to one count of second degree Aggravated Assault with a Deadly Weapon (N.J.S.A. 2C:12-1b(2)). The applicant was sentenced as a third degree offender to three (3) years in prison but was released from custody after serving thirty (30) months, and then served a three (3) year term of parole supervision.

CONSENT ORDER - HERBERT SPICER Continued

The applicant appeared at an investigative inquiry into the matter held by the Board and provided testimony relating to his arrest and conviction.

- The applicant shall be granted a HVACR license subject to the conditions and restrictions in this order.
- The applicant hereby consents to the entry of an order of automatic suspension of his license as a HVACR contractor, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that the applicant has violated this order or has engaged in acts constituting, or has been convicted of, any offense or crime whether in the State of New Jersey or elsewhere.
- The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) day notice.

**14. PROVISIONAL ORDER OF DENIAL OF LICENSE – Filed September 1, 2015 by Rosemarie S. Baccile, Acting Executive Director
HARVEY P. SCELSO, APPLICANT# 182 0296
APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR**

Harvey P. Scelso ("respondent") applied for a Heating, Ventilating, Air Conditioning and Refrigeration ("HVACR") contractor's license in the State of New Jersey.

The above preliminary findings of fact provide grounds for denying respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration license in New Jersey, pursuant to N.J.S.A. 45:1-21(f), in that the respondent's conviction for 2nd degree Sexual Assault, pursuant to N.J.S.A. 2C:14-2b, as well as his admission that he offended against the victim M.R. on at least three occasions, are acts constituting crimes and offenses involving moral turpitude and relating adversely to the activity regulated by the Board.

The above preliminary findings of fact provide grounds for denying respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration Contractor's license in New Jersey pursuant to N.J.S.A. 45:1-21(i), in that the respondent's admission of his lifelong sexual attraction to young prepubescent females, which continues currently, makes him incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare.

Respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration Contractor's license in New Jersey is hereby provisionally denied.

15. FINAL ORDER OF DENIAL OF LICENSE – Filed September 1, 2015 by Rosemarie S. Baccile, Acting Executive Director
CHARLES R. JONES, APPLICANT# 183 1591
APPLICANT FOR A LICENSE AS A MASTER HVACR CONTRACTOR

Charles R. Jones (“respondent”) applied for a Heating, Ventilating, Air Conditioning and Refrigeration (“HVACR”) contractor’s license in the State of New Jersey. Respondent was previously licensed as a master plumber in New Jersey having been issued a plumbing license by the New Jersey State Board of Examiners of Master Plumbers (“Plumbing Board”) on September 1, 1993. On June 27, 1996, the Plumbing Board filed an Order Entering Default and Revoking Respondent’s Plumbing License. The Plumbing Board found at that time that respondent secured his plumbing license under false pretenses by submitting a work certification which respondent knew contained false information, in violation of N.J.S.A. 45:1-21(b). Additionally, the Plumbing Board then found that respondent obtained his plumbing license under false pretenses which constituted professional misconduct in violation of N.J.S.A. 45:1-21 (e).

On his May 5, 2014 application for a Heating, Ventilating, Air Conditioning and Refrigeration license, respondent was asked, “Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction?: Respondent answered “No.” On his application for licensure, respondent was also asked, “Have you ever had a professional or occupational license or certificate of any type suspended, revoked, or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction?” Respondent answered, “No.”

A Provisional Order of Denial of Licensure was entered on March 3, 2015. Respondent failed to reply to the Provisional Order of Denial. Since the Provisional Order of Denial was served at respondent’s last known address on file with the Board, the Board determined that the Provisional Order of Denial of Licensure, entered on March 3, 2015, is to be finalized as written.

The above disciplinary actions have been posted to the Board’s website at:

<http://www.njconsumeraffairs.gov/hvacr/Pages/actions.aspx>
